

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

FILED  
DEC 7 2007

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

KEVAIN ORIS WHITE, SR.

Case No. 07 CR 50066

Magistrate Judge Mahoney

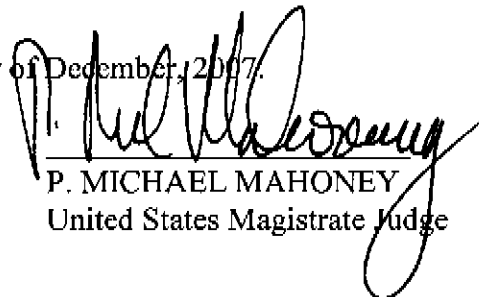
**AFFIDAVIT OF WARRANT IN REMOVAL PROCEEDING**

I, C. ALLEN REED, personally appearing before United States Magistrate Judge P. Michael Mahoney and being duly sworn on oath, state that as a federal law enforcement officer I have been informed that KEVAIN ORIS WHITE, SR. has been charged in the District of New Mexico with violating the conditions of his supervised release in violation of Title 18, United States Code, Section 3583(e)(3). In addition, I have been informed that supervision over KEVAIN ORIS WHITE, SR. has been transferred from the District of New Mexico to the Northern District of Illinois, Western Division. A copy of the violation petition is attached. I have further been informed that a warrant for the arrest of KEVAIN ORIS WHITE, SR. has been issued pursuant to the violation petition. A copy of the warrant is attached.



C. ALLEN REED  
Deputy U.S. Marshal  
United States Marshals Service

SUBSCRIBED AND SWORN to before me this 7th day of December, 2007.



P. MICHAEL MAHONEY  
United States Magistrate Judge

COPY

PROB 120  
(Rev. 04/04-2003)UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

07 NOV 15 PM 2:12

CLERK - LAS CRUCES

## Petition for Revocation of Supervised Release

#32767  
ABQ  
ARD

Name of Offender: Kevin Oris White Sr.  
 Docket Number: 1:05CR00420-011MV  
 Assigned Judge: Honorable Maria Vazquez, Chief U.S. District Judge  
 Date of Original Sentence: 08/19/2003  
 Original Offense: Transporting Un documented Aliens Within the United States for Private Financial Gain, by Means of a Motor Vehicle, in violation of 8 USC 1324(a)(1)(B)(i).  
 Original Sentence: DOP: 27 months; TSR: 36 months  
 Date Supervision Commenced: 12/02/2004  
 Date Supervision Expires: 12/01/2007  
 Other Court Action: 02/18/2005 - Transfer of Jurisdiction from Southern District of Texas to the District of New Mexico  
 08/18/2006 - Stipulated Order Waiving Community Service  
 02/28/2007 - Notice of Noncompliance, no action recommended

## PETITIONING THE COURT

To issue a warrant.

U.S. Probation Officer of the Court, Amber Dennison, alleges the offender has violated the following condition(s) of supervised release.

Violation Number	Nature of Noncompliance
1	Mandatory Condition - "The defendant shall not commit another federal, state, or local crime." On May 4, 2007, the defendant was arrested by the Rock Falls Police Department in Rock Falls, Illinois, for Driving Under the Influence, Driving While License Revoked, Improper Turn, Operating Uninsured Vehicle and Operating in Violation of Classification (Glasses). On May 15, 2007, in the Circuit Court of the Fourteenth Judicial Circuit, Whiteside County, Illinois, Case No. 07CF228 an Information was filed and charged, Counts 1 and 2: Aggravated Driving Under the Influence of Alcohol and Count 3: Driving While License Revoked. The defendant was released on a \$300 cash bond and failed to appear in Court on August 29, 2007. A warrant was issued for the defendant's arrest and he was subsequently arrested on the warrant on October 29, 2007.
2	Standard Condition - "The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer." On November 1, 2007, during a

routine criminal records check, the defendant's U.S. Probation Officer, Teresa R. Brown, discovered the defendant was arrested on May 4, 2007, for Driving Under the Influence, Driving While License Revoked, Improper Turn, Operating Uninsured Vehicle and Violation of Classification (Classes). The defendant had not reported his arrest to U.S. Probation Officer Teresa R. Brown within 72 hours of his arrest. The defendant also failed to report he was again arrested on October 29, 2007, on a warrant for Failure to Appear in Court on August 29, 2007.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on November 15, 2007.

Submitted:

Amber Dennison  
Amber Dennison  
U.S. Probation Officer

Date:

11/15/07

Approved:

☒ Phone Approval

James Brumfiel  
Jim Tierney  
Assistant U.S. Attorney

Date:

11/15/07

THE COURT ORDERS:

- ☒ The court orders that a warrant be issued.  
☐ The court orders that a summons be issued.  
☐ The defendant be brought before a United States Magistrate Judge for presentment on this amended petition.  
☐ Other:

Considered this 15 day of November, 2007 and made a part of the records in the above case.

[Signature]  
Signature of Judicial Officer

UNITED STATES PROBATION OFFICE  
Violation Report

Date: 11/15/2007  
Assigned Judge: Honorable Martha Vazquez, Chief U.S. District Judge  
Defense Counsel: Floyd W. Lopez  
Assistant U.S. Attorney: Jim Tierney  
Name of Offender: Kevin Oris White Sr.

UPDATED OFFENDER INFORMATION

This report is submitted as supplemental information regarding the defendant's progress from the commencement of supervision. The original presentence report is attached.

UNDERLYING OFFENSE CONDUCT

The defendant was apprehended at the United States Border Patrol checkpoint near Frenar, Texas, after he was found transporting twenty (20) undocumented aliens. He was accompanied by his nephew, co-defendant, Christopher White. The defendant and Christopher White, had transported the undocumented in a tractor trailer from Laredo, Texas, and was en route to San Antonio, Texas. The defendant was transporting the undocumented aliens for financial gain in the amount of \$2,300.

ADJUSTMENT TO SUPERVISION

On August 19, 2003, in the Southern District of Texas, the defendant was sentenced to 27 months custody of the Bureau of Prisons, followed by three (3) years supervised release. On December 2, 2004, the defendant commenced his term of supervised release in the District of New Mexico. On February 18, 2005, jurisdiction of his case was transferred to the District of New Mexico. On January 26, 2006, supervision of his case was transferred to the Northern District of Illinois, in order for the defendant to live near his sister and his father. On February 28, 2007, the defendant's community service was waived due to his health problems. The defendant reportedly suffers from a heart ailment, in addition to a severe hearing impediment.

On February 28, 2007, a Notice of Noncompliance, with no action recommended was submitted to your Honor, after the defendant and his wife were arrested for domestic violence in Lincoln, Illinois. The defendant allegedly kicked his wife on the back and threw a coffee can at her and she allegedly threw items at the defendant. After their arrest, the Logan County Attorney's Office decided not to pursue charges against the defendant and his wife and the case was dismissed.

On May 4, 2007, the defendant was arrested by the Rock Falls Police Department in Rock Falls, Illinois, for Driving Under the Influence, Driving While License Revoked, Improper Turn, Operating Uninsured Vehicle and Operating in Violation of Classification (Glasses). According to the offense report, the defendant was observed driving a truck erratically across three lanes of traffic and across a raised cement divider in the road. The defendant also crossed double yellow divider lines in the road. When the officer made contact with the defendant, he had a strong odor of alcohol on his person. In addition, the defendant was observed to stagger when he walked and he failed field sobriety tests. Further, the defendant was administered a breath alcohol test that measured .140%. The defendant admitted to the officer he had consumed four beers earlier in the day because he was upset about his daughter being taken to the detention center.

The defendant was then arrested for the above listed offenses. During his arrest, the defendant began to clutch his chest and complain of chest pain. Therefore, the officer called an ambulance to assist the defendant. While waiting for the ambulance, the defendant was processed at the police station and posted \$300 cash bond. When the ambulance arrived the defendant became irate and told the officer he was a liar, as he was told he would be able to go home after posting his bond. The defendant stated he would now "have to go back to the federal penitentiary". Once the defendant was transported to the hospital, he continued to be irate and to call the arresting officer a liar. The defendant also told the officer "the sight of his badge made him sick", and if he and the officer "were in a federal penitentiary together, there would be no one to help him" (the officer). The defendant was subsequently released from the hospital after he was assessed by a physician.

On May 15, 2007, an information was filed in the Circuit Court of the Fourteenth Judicial Circuit, Whiteside County, Illinois, Case# 07CF228, and charged, Counts 1 and 2: Aggravated Driving Under the Influence of Alcohol and Count 3: Driving While License Revoked. On August 29, 2007, a warrant was issued for the defendant's arrest after he failed to appear in Court. The defendant surrendered himself on the warrant on October 29, 2007, and was released after he posted a \$2,000 cash bond.

On November 1, 2007, during a routine criminal records check, the defendant's U.S. Probation Officer (USPO), Teresa R. Brown, discovered the defendant was arrested on May 4, 2007, for the above listed offenses and had pending charges in the Circuit Court of the Fourteenth Judicial Circuit, Whiteside County, Illinois, Case No. 07CF228. The defendant had not reported his arrest to USPO Brown within 72 hours of his arrest. The defendant also failed to report he was again arrested on October 29, 2007, on a warrant for Failure to Appear in Court on August 29, 2007. USPO Brown contacted the defendant regarding the arrests and the defendant denied he had been driving the vehicle in question or that he was intoxicated. The defendant also denied he was interviewed by police or that he was even in town the night of the offense. However, documents from the arrest contain his signature, personal description and vehicle information.

The next court hearing regarding this matter is scheduled on November 26, 2007, in the Circuit Court of the Fourteenth Judicial Circuit, Whiteside County, Illinois. The defendant's term of supervised release is scheduled to expire on December 1, 2007. Based on the defendant's noncompliance, it is respectfully recommended the Court approve a warrant and petition to revoke the defendant's term of supervised release be granted.

#### SENTENCING PROVISIONS

##### Statutory

Pursuant to 18 USC 3583(c), the Court may revoke the term of supervised release and require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on post-release supervision. If the Court finds by a preponderance of evidence that the person violated the conditions of supervised release; a person who is revoked under 18 U.S.C. 3583(c)(3) the maximum term of imprisonment upon revocation is 3 year(s) as the most serious underlying conviction he pled to was classified as a class B felony.

##### Guidelines

The defendant has been charged with a grade C violation pursuant to the policy statement in Section 7B1.1(a)(1)(2)(3). The criminal history category is VI, which was the criminal history category at the time of the defendant's original sentence. A grade C violation and a criminal history category of VI establishes a revocation imprisonment range of 8 to 14 months pursuant to the policy statement in Section 7B1.4(a). A term of 3 supervised release, less any imprisonment time served in official detention upon revocation of this case, may be imposed as the most serious underlying offense is a class B felony. Sections 5D1.2(a), 7B1.3(g)(1) and (2), and 18 U.S.C. 3583(h).

Submitted:



Amber Dannison

U.S. Probation Officer

Date:

11/15/07

Approved:



Gina Bauman

Supervising U.S. Probation Officer

Date:

11/15/07

AO 442 (Rev. 5/93) Warrant for Arrest

COPY

## UNITED STATES DISTRICT COURT

District of New Mexico

UNITED STATES OF AMERICA

v.

Kevain Oris White Sr.

WARRANT FOR ARREST

Case: 1:05CR00420-001MV

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Kevain Oris White Sr. and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☒ Supervision Violation Petition

charging him or her  
violation of Supervised Release.

WARRANT issued for the defendant's arrest to show cause why the supervision should not be revoked for violation of the conditions of supervision as set by the Honorable Martha Vazquez in violation of 18 U.S.C. 3583(e)(3).

MATTHEW J. DYKMAN

Name of Issuing Officer

CLERK OF THE COURT

Title of Issuing Officer

Signature of Issuing Officer

Date and Location

Bail fixed at \$

by

Name of Arresting Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		